

Appl. No. 7349
Atty. Docket No. 09/831,778
Amdt. dated 05/15/2003
Reply to Office Action of 2/19/03

REMARKS

Claims 13, 15, 20 and 21 are now in the case. Claim 13 has been amended to recite the elements originally presented in Claim 14. Claim 15 has been amended to depend from Claim 13. The claims have also been amended to recite the lauryl sulfate surfactant. Basis is found in the Examples and Claim 17 (sodium and potassium alkyl sulfate). It is submitted that these amendments are fully supported and entry is requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment captioned **"Version with markings to show changes made."**

Rejections Under 35 USC §112

Claims 13 and 30 stand rejected under §112 for reasons of record at page 2 of the Office Action. The Examiner has cited the use of the phrase "significantly reduce the level of microorganisms less than one minute" (Claim 13) and use of the phrase "impure water" (Claim 30) as not meeting the statutory requirements. With the removal of the phrase from Claim 13 and the cancellation of Claim 30, all claims now meet the statutory requirements. Withdrawal of the rejections under §112 is requested.

Rejections Under 35 USC §103

Claims 13-30 stand rejected over Murch, et al., U.S. 5,549,758, in view of Chung, U.S. 4,808,330, for reasons of record at pages 2-4 of the Office Action.

Applicants respectfully traverse these rejections, to the extent they apply to the amended claims presented herewith, which now recite the lauryl sulfate component.

With regard to the Murch '758 patent, it is noted that this document neither teaches nor suggests compositions which contain sodium or potassium lauryl sulfate as the cleansing surfactant. While '758 does teach dodecylbenzene sulfonate (Col. 3, l. 13) in the compositions, any further disclosure regarding "optional surfactants" (Col. 9, l. 10-19) fails to describe the lauryl sulfate employed in the present compositions. Moreover, the disclosure in '758 (Col. 9, l. 17-18) actually appears to discourage the use of the CFR surfactants in basic compositions of the present type, stating, "...but these materials suffer from lack of stability at either acid or basic conditions."

In short, it is submitted that nothing in '758 teaches or suggests the use of the lauryl sulfate surfactant in the present compositions. Moreover, nothing in '758 suggests that the lauryl sulfate surfactant could, or should, be substituted for the dodecylbenzene sulfonate surfactant

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employed therein. This is particularly true when Murch '758 is considered together with Chung '330, as discussed hereinafter.

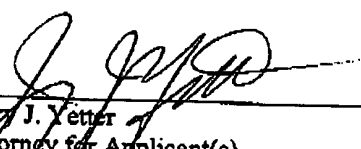
With regard to the Chung '330 patent, it is submitted that this document can fairly be said to teach away from the present invention. In this regard, the Examiner's attention is called to Column 1, lines 36-47. In that passage, Chung discusses the problems associated with the use of surfactants such as alkyl benzene sulfonates to clean food. Indeed, such detergents are stated to cause health problems if they enter the human body. Accordingly, Chung does not use surfactants in the '330 compositions.

What, then, can be made of the proposed combination of '758 and '330? The '758 patent teaches dodecylbenzene sulfonate plus nonionics plus fatty acid (Col. 3 at l. 13, l. 6-7 and l. 1), whereas '330 avoids surfactants entirely. Of course, '758 teaches that the composition is preferably rinsed off the treated foodstuff (Col. 11, l. 45) so, presumably, the cautionary disclosure of '330 regarding ingestion could thereby be satisfied, assuming the user properly and thoroughly conducts this step. This, of course, is quite different from Claim 13, herein, wherein rinsing is not required.

In summary, it is submitted that neither '758 nor '330, taken alone or in combination fairly teaches or suggests the instant invention. Reconsideration and withdrawal of the rejections under §103 are requested.

In light of the foregoing, early and favorable action on the claims is requested.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

13. (Amended) A method for treating food to clean and reduce the level of microorganisms on the surface of said food, said method comprising treatment occurring just prior to consumption, comprising the step of contacting the surface of said food with a aqueous dilute treatment composition comprising toxicologically-acceptable anionic and/or nonionic detergent surfactant; total electrolyte to provide at least about 0.04 molarity of cations, and toxicologically-acceptable basic buffer to provide a pH of greater than about 8.5, [said composition being able to significantly reduce the level of microorganisms less than one minute,] the composition being essentially free of any material that adversely affects safety or palatability, so that said food does not need to be rinsed before consumption, said composition comprising:

- (a) greater than about 0.015% by weight of sodium or potassium lauryl sulfate;
- (b) toxicologically-acceptable basic buffer selected from the group consisting of water soluble borates, hydroxides, ortho-phosphates, carbonates, and/or bicarbonates, to provide a pH of from about 8.5 to about 13
- (c) sufficient electrolyte to provide at least about 0.04 molarity of cations without considering any surfactant cations;
- (d) optionally, from about 0.0005% to about 3% by weight of calcium ion sequestrant selected from the group consisting of water soluble salts of polyphosphates, organic polycarboxylic acid, and mixtures thereof;
- (e) optionally, toxicologically-acceptable preservative;
- (f) optionally, toxicologically acceptable suds suppresser;
- (g) the balance comprising an aqueous carrier selected from water and, optionally, containing a low level of low molecular weight, toxicologically-acceptable organic solvent.

15. (Amended) The method of Claim [14] 13 wherein said aqueous treatment composition comprises:

- (a) less than about 5% by weight and sufficient to maintain the viscosity of said solution to less than about 50 centipoise, of sodium or potassium lauryl sulfate [toxicologically-acceptable base-stable anionic detergent surfactant];
- (b) toxicologically-acceptable basic buffer selected from the group consisting of water soluble potassium and/or sodium, hydroxides, ortho-phosphates, and/or carbonates, to provide a pH of from about 10.0 to about 12.5;

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- (c) sufficient electrolyte to provide at least about 0.08 molarity of cations and
 - (d) optionally, from about 0.001% to about 2% by weight said calcium ion sequestrant, which is selected from the group consisting of sodium and/or potassium tripolyphosphate, ethylenediaminetetraacetate, citrate, and mixtures thereof.
20. (Amended) An aqueous dilute treatment composition comprising:
- (a) greater than about 0.015% by weight of sodium or potassium lauryl sulfate [toxicologically-acceptable base-stable nonionic and/or anionic detergent surfactant];
 - (b) toxicologically-acceptable basic buffer selected from the group consisting of water soluble borates, hydroxides, ortho-phosphates, carbonates, and/or bicarbonates, to provide a pH of from about 8.5 to about 13;
 - (c) sufficient electrolyte to provide at least about 0.04 molarity of cations;
 - (d) optionally, from about 0.0005% to about 3% by weight of calcium ion chelant selected from the group consisting of sodium and/or potassium polyphosphate and/or organic polycarboxylate;
 - (e) optionally, toxicologically-acceptable preservative;
 - (f) optionally, toxicologically acceptable suds suppresser; and
 - (g) the balance comprising an aqueous carrier selected from water and, optionally, containing a low level of low molecular weight, toxicologically-acceptable organic solvent.
21. (Amended) The composition of Claim 20 which comprises:
- (a) less than about 5% by weight and sufficient to maintain the viscosity of said solution to less than about 50 centipoise of sodium or potassium lauryl sulfate [toxicologically-acceptable base-stable anionic detergent surfactant];
 - (b) toxicologically-acceptable basic buffer selected from the group consisting of water soluble potassium and/or sodium, hydroxides, ortho-phosphates, and/or carbonates, to provide a pH of from about 10.0 to about 12.5;
 - (c) sufficient electrolyte to provide at least about 0.08 molarity of cations: and
 - (d) optionally, from about 0.001% to about 2% by weight said calcium ion sequestrant.